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SUBJECT: THEN AND NOW: HUMAN RIGHTS AND FREEDOM IN TUNISIA

REF: A. 08 TUNIS 444

1B. 07 TUNIS 1575
1C. 07 TUNIS 1566
1D. 07 TUNIS 1404
1E. 07 TUNIS 1248
1F. 1999 TUNIS 2177
1G. 1999 TUNIS 2081
1H. 1999 TUNIS 2031
1I. 1999 TUNIS 1761
1J. 1998 TUNIS 4434
1K. 1998 TUNIS 3758
1L. 1998 TUNIS 930
1M. 1998 TUNIS 673

Classified By: Ambassador Robert F. Godec for reasons 1.4 (b) and (d)

Summary

11. (C) The GOT frequently tells US Government representatives that it plans to expand freedom and human rights, but that progress must be made "step by step." The question is: just how many steps has the GOT taken over the last decade? In an effort to evaluate the situation then and now, this cable compares the Embassy's reporting on human rights and freedom from the late 1990's with the situation today. The decade-old reports still ring true on some issues, but there has been movement on others. End Summary.

Progress?

12. (C) THEN: The Embassy has been reporting on the GOT's harassment of civil society for over ten years. For example, in July 1998 the Embassy reported that the office of lawyer Radhia Nasraoui was robbed and her case files stolen soon after she defended one of the vice-presidents of the Tunisian League for Human Rights (LTDH) (Ref M). Then-LTDH President Taoufik Bouderbala complained in April 1999 about the GOT's restriction of LTDH activities, the significant police presence outside LTDH headquarters, surveillance of LTDH activists by police, and the fact that the LTDH was blocked from renting public spaces which impeded its ability to hold seminars or meetings (Ref I). In May 1999, the Embassy reported that the GOT arrested twelve outspoken labor union activists, and subsequently detained two journalists, Omar Mestiri and Taoufik Ben Brik, who reported on the arrests. Their homes were also surrounded by police (Ref H). That same month, the Embassy requested that the State Department demarche the Tunisian Embassy in Washington regarding the recent arrests of labor and human rights activists and the ongoing criminal investigations against them (Ref G).

13. (C) NOW: The Embassy's current reporting has many

similar stories to those from 1998 and 1999. Journalists complained to the Embassy in 2007 that they were unable to do their jobs because the GOT had "full control" over the media landscape (Ref B). They added that the government restricted access to information and would not issue media licenses to those who were not "docile." Police reportedly assaulted journalists and confiscated copies of opposition newspapers critical of the GOT (Ref C). Two leaders of an opposition party went on a hunger strike when six of their regional landlords and the owner of their national headquarters tried to simultaneously evict them, efforts which they said were motivated by the GOT (Ref D). In 2008, there were large unemployment protests over a period of six months partially motivated by allegations of governmental corruption. Five students went on a 58 day hunger strike in February 2009 protesting their expulsion which they say was retaliation for their union activities. Opposition parties are complaining that the GOT is restricting their ability to campaign prior to the 2009 presidential and legislative elections. There have been some positive developments, such as the early release of lawyer Mohamed Abbou and journalist Slim Boukhdhir from prison, but they may have been due to international pressure, and not a larger liberal trend.

Sound Familiar?

¶4. (C) THEN: For over a decade, the GOT has tried to manage the diplomatic corps' interaction with civil society. In 1998, the government expressed its displeasure when foreign diplomats visited well-known human rights lawyer Radhia Nasraoui (Ref L). Foreign Chiefs of Mission told the Embassy that the GOT considered the presence of European diplomats at the recently burgled office of Nasraoui to be "undue interference in Tunisia's internal affairs." The Swedish Ambassador, who visited Nasraoui herself, was told that his presence at her office was at an inappropriately high level. The German Ambassador retorted that he did not understand why the GOT considered the presence of diplomats at Nasraoui's office to be interference, unless the GOT's protest implied that it had been involved in the break-in.

¶5. (C) NOW: The GOT is still sensitive when diplomats, especially chiefs of mission, interact with civil society. The GOT's 1998 remarks parallel statements made to the Ambassador after he visited the opposition Progressive Democratic Party (PDP) headquarters while its leaders were on a hunger strike (Ref D). Following the White House-issued statement denouncing the lack of press freedom in Tunisia on World Press Freedom Day, the Foreign Minister convoked the Ambassador and went so far as to call the statement "revolting" and "unjust" (Ref A).

Human Rights Dialogue and Access to GOT Officials

¶6. (C) THEN: The GOT's willingness (or lack thereof) to discuss human rights concerns is another issue that has changed little over time. In February 1998, MFA Director of Human Rights Mohammed Lessir summoned the Swedish, British, German, Dutch, Spanish, and European Union Commission Chiefs of Mission to inform them that the GOT was ending its human rights dialogue with the EU (Ref L). Lessir argued that the GOT believed the EU had made human rights the "principal focus" of its free trade agreement with Tunisia and that the EU was conducting its human rights dialogue in an "arrogant" manner. In late 1998, Lessir told the then-US Ambassador that though the GOT would discuss broad human rights issues, the government would no longer comment on specific cases (Ref J). Lessir argued that the USG's attention to "minute details" constituted interference in the GOT's internal affairs. A few days later, however, Lessir called the PolOff to inform her that the GOT was prepared to discuss specific cases, and invited her to a meeting at the MFA. The Embassy's 1998 reporting notes that this "occurred at a time of heightened tension in Tunis, when activists and diplomats

alike are increasingly concerned by actions taken by the GOT to rebuke its critics....(but) it is unlikely that the GOT will continue to refuse to discuss human rights with its embassies here."

¶7. (C) NOW: Today, the GOT does discuss human rights, but mostly not of its own volition. There is no formal human rights dialogue as such with local embassies, though certain diplomatic missions -- not only the US Embassy, but also the British, Canadian, French, and some other EU member states -- do raise the issue as part of their bilateral conversations with the GOT. The EU insists on a human rights component during its formal annual meetings with the GOT. Most recently, the European Union Commission raised the inability of lawyer Mohamed Abbou to leave the country, despite the absence of legal grounds to detain him. Abbou was subsequently notified by the GOT that he was allowed to travel.

¶8. (C) THEN: The difficulty in identifying moderate elements in the GOT was a hot topic of conversation in the 1990s. During a May 1999 lunch with EU and American ambassadors, the French ambassador speculated that once Abdelwahab Abdallah, one of Ben Ali's advisors, left the Presidency it would clear the way for moderates. He opined that Abdallah's exit would mean an "immediate lifting" of the pressure put on the press. The Spanish Ambassador said that Abdallah was potentially "dangerous," but was favored by Ben Ali because Abdallah "knows so much." (Ref F) In 1999, the Embassy also reported that elements within the MFA were attempting to restrict the Embassy's access to GOT officials.

In September 1998, Lessir requested that all US Embassy meeting requests with government officials henceforth be submitted through the MFA (Ref J). He promised, however, that he would personally "facilitate" the Human Rights Officer's appointments with GOT officials.

¶9. (C) NOW: The Spanish and French Ambassadors from 1999 would probably have been disappointed to hear that Abdallah was appointed Minister of Foreign Affairs in 2005. As a result of progressive restrictions on GOT officials' foreign contact he has put in place as Foreign Minister, GOT counterparts have become increasingly reluctant to meet with any diplomats without express permission from the highest levels. Thus, these days EmbOffs have few working level contacts in the GOT. Embassy officers often wait months for appointments with the GOT if they receive appointments at all. For example, the MFA never replied to PolOff's multiple requests to meet with officials in the Ministry of Justice and Human Rights. It was only after 18 months in country that PolOff was able to accompany a visiting desk officer to meet the MOJ officials responsible for human rights and external cooperation.

Attitude Towards NGOs

¶10. (C) THEN: In addition to its attempts to manage diplomats, the GOT has also tried to supervise the actions of NGOs. In 1998, Lessir told the Embassy that the GOT tried to work with American NGOs, but was disappointed when the NGOs criticized the GOT after visiting (Ref J). Lessir specifically cited Human Rights Watch (HRW), which had sent an open letter to the EU Parliament citing the GOT's human rights record and claiming the government was intolerant of dissent. Lessir said this example "discouraged" the GOT from working with other human rights NGOs. He opined that Tunisia had to maintain stability by working on democracy at its own pace, or risk losing the social and economic progress it had made.

¶11. (C) NOW: The GOT's relationship with NGOs has improved somewhat in recent years, though not with HRW. For several years, the HRW website was blocked in Tunisia. It was only unblocked in 2008 after the Ambassador specifically raised the issue of access to the HRW and Amnesty International websites. Though the government announced publically in 2008

that an agreement with HRW was imminent for that organization to conduct prison visits, HRW reports that as of their latest visit in April 2009, talks have once again stalled. Ricky Goldstein of HRW opined that the GOT was more interested in garnering positive press from announcing HRW visits, than it was in actually doing anything to make that happen. Though talks with HRW may not have been productive, the GOT did reach an agreement on prison visitation with the International Red Cross and Red Crescent Society (ICRC). According to the April 2005 agreement, the ICRC is allowed to visit Ministry of Justice-administered prisons and detention centers.

Comment

¶12. (C) Judging from the reporting in the late 1990's, the same kinds of human rights violations that took place in 1999 continue to take place in 2009. It has grown increasingly difficult to engage the GOT in a substantive dialogue about improving the human rights situation, however. While the Ambassador can and does engage on these issues at a high level, working-level exchanges on human rights have all but ceased. This does not mean, though, that there are not steps the USG can take. One such avenue is focusing on concrete measures that the GOT can pursue. The Embassy's 1998 reporting commented that "certain elements," such as the Ministry of Interior, were resistant to a dialogue on human rights, but the Embassy believed that other moderate elements within the government (such as the MFA) were aware that the GOT's image would suffer as a result.

¶13. (C) The Embassy today agrees that targeted lobbying can produce results. High-level US officials can raise issues and the GOT will, sometimes, make adjustments. ICRC access to the prisons is one example. Then and now, coordinated efforts with other like-minded governments and missions (particularly members of the EU) increases the chances of success. Finally, the key is persuading the GOT that progress is essential and in Tunisia's interest. To do so, we must engage the skeptics, and find ways to support the reformers, both inside and outside the government. Doing both is a central part of our work on human rights and freedom at Mission Tunis. End Comment.

Please visit Embassy Tunis' Classified Website at:
[http://www.state.sgov.gov/p/nea/tunis/index.c fm](http://www.state.sgov.gov/p/nea/tunis/index.cfm)
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